

1 GEOFFREY A. HANSEN,  
 2 Acting Federal Public Defender  
 2 MANUEL U. ARAUJO  
 Assistant Federal Public Defender  
 3 160 West Santa Clara Street, Suite 575  
 San Jose, CA 95113  
 4 Telephone: (408) 291-7753

~~GOVERNMENT ATTORNEY~~

5 Counsel for Defendant NINH

6 IN THE UNITED STATES DISTRICT COURT  
 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 8 SAN JOSE DIVISION

9  
 10 UNITED STATES OF AMERICA, ) No. CR 11-00847- RMW  
 11 Plaintiff, )  
 12 v. ) **JOINT STIPULATION AND**  
 13 HONG THANH THI NINH, and ) **[] ORDER CONTINUING**  
 SI "KEVIN" TRUONG, ) **HEARING TO JUNE 18, 2012 AND**  
 14 Defendants. ) **EXCLUDING TIME UNDER THE**  
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 **SPEEDY TRIAL ACT**

16 The defendants, Hong Thanh Thi Ninh, Si "Kevin" Truong, and the government, through  
 17 their respective counsel, subject to the court's approval, hereby stipulate that the Court continue  
 18 the status hearing in the above-captioned matter, presently scheduled for June 4, 2012, at 9:00  
 19 a.m., to June 18, 2012, at 9:00 a.m. Defense counsel for Ms. Ninh represents that he will not be  
 20 available on June 4, 2012. Matters were set for June 4, 2012, on the Magistrate Judge's  
 21 Calendar in Salinas, California, by Ms. Heather Rogers whom has since left the Federal Public  
 22 Defender Office. Mr. Araujo is the only attorney in his office who can make the appearance in  
 23 Salinas, California. In addition, the parties continue to engage in investigation which is  
 24 necessary to further the discussions regarding settlement of the matter before this court.

25 The parties further agree and stipulate that time should be excluded from and including  
 26 June 4, 2012, through and including June 18, 2012, to provide counsel reasonable time to

1 prepare and continuity of counsel, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and  
2 (B)(iv). Accordingly, the United States and the defendants agree that granting the requested  
3 exclusion of time will serve the interest of justice and outweigh the interest of the public and  
4 defendant in a speedy trial.

5 IT IS SO STIPULATED.

6 Dated: May 30, 2012

7 \_\_\_\_\_/s/  
8 MANUEL ARAUJO  
Assistant Federal Public Defender  
Attorney of Record for Ms. Ninh

9  
10 Dated: May 30, 2012

11 \_\_\_\_\_/s/  
12 THOMAS J. FARRITO,  
13 Attorney of Record for Mr. Truong

14 Dated: May 30, 2012

15 \_\_\_\_\_/s/  
16 JEFFERY B. SCHENK  
17 Assistant United States Attorney

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1                   **[] ORDER**

2                   GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY  
3 ORDERED that the status conference hearing in the above-captioned matter is continued from  
4 June 4, 2012, to June 18, 2012, at 9:00 a.m.

5                   THE COURT FINDS that failing to exclude the time between June 4, 2012, through and  
6 including June 18, 2012, would unreasonably deny the defendant's continuity of counsel, and  
7 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking  
8 into account the exercise of due diligence. It Is Further Found that the ends of justice served by  
9 excluding the time between June 4, 2012 and June 18, 2012, from computation under the Speedy  
10 Trial Act outweigh the interests of the public and the defendant in a speedy trial. Therefore, the  
11 period of delay from June 4, 2012, through and including June 18, 2012, is excluded for  
12 purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections  
13 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

14                  IT IS SO ORDERED.

15                  Dated: 1 DPF, 2012

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17                  HONORABLE RONALD M. WHYTE  
United States District Judge

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